

**TRANSMITTAL  
FORM***(to be used for all correspondence after initial filing)*

|                        |                 |
|------------------------|-----------------|
| Application Number     | 10/523,529      |
| Filing Date            | August 11, 2005 |
| Inventor(s)            | John F. WETLING |
| Group Art Unit         | 3762            |
| Examiner Name          | Amanda Patton   |
| Attorney Docket Number | 36731-000052/US |

**ENCLOSURES (check all that apply)**

- |  |  |  |         |  |
|--|--|--|---------|--|
| <input type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers<br><i>(for an Application)</i><br><br><input type="checkbox"/> Replacement Drawing Sheets<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation<br>Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> LETTER SUBMITTING APPEAL BRIEF<br>AND APPEAL BRIEF (w/clean version of<br>pending claims)<br><br><input type="checkbox"/> Appeal Communication to Group ( <i>Notice of<br/>Appeal, Brief, Reply Brief</i> )<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s)<br><i>(please identify below):</i><br><br><b>Request for Continued<br/>Examination<br/>Check # 8357 for \$405.00</b> |         |  |
| <table border="1"><tr><td>Remarks</td><td></td></tr></table>   |  |  | Remarks |  |
| Remarks  |  |  |         |  |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

|                               |                                  |                                     |                    |
|-------------------------------|----------------------------------|-------------------------------------|--------------------|
| Firm<br>or<br>Individual name | Harness, Dickey & Pierce, P.L.C. | Attorney Name<br>John A. Castellano | Reg. No.<br>35,094 |
| Signature                     |                                  |                                     |                    |
| Date                          | January 6, 2009                  |                                     |                    |



RCE A  
3762

# Request For Continued Examination (RCE) Transmittal

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

|                        |                 |
|------------------------|-----------------|
| Application Number     | 10/523,529      |
| Filing Date            | August 11, 2005 |
| First Named Inventor   | John F. Wetling |
| Art Unit               | 3762            |
| Examiner Name          | Amanda Patton   |
| Attorney Docket Number | 36731-000052/US |

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☒ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_  
ii. ☒ Other Amendment filed on November 7, 2008.

- b. ☐ Enclosed

- i. ☐ Amendment/Reply  
ii. ☐ Affidavit(s)/Declaration(s)  
iii. ☐ Information Disclosure Statement (IDS)  
iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(i) required)  
b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 08-0750

- i. ☐ RCE fee required under 37 C.F.R. 1.17(e)  
ii. ☐ Extension of time fee (37 C.F.R. 1.136 and 1.17)  
iii. ☒ Other Any deficiency for a fee required under 37 C.F.R. 1.16 or 1.17

- b. ☒ Check in the amount of \$ 405.00 enclosed  
c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

|                    |                    |                                   |                 |
|--------------------|--------------------|-----------------------------------|-----------------|
| Name (Print /Type) | John A. Castellano | Registration No. (Attorney/Agent) | 35,094          |
| Signature          |                    | Date                              | January 6, 2009 |

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

|                    |  |                        |                                       |
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| Name (Print /Type) |  | Express Mail Label No. | 01/07/2009 AWDNDAF1 00000028 10523529 |
| Signature          |  | Date                   | 01 FC:2001 405.00 OP                  |

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.